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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/551,291	04/18/2000	Brett B. Stewart	5285-04800	2017

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Jeffrey C Hood  
Conley Rose & Tayon PC  
PO Box 398  
Austin, TX 78767

EXAMINER

NGUYEN, THONG-THAI T

ART UNIT	PAPER NUMBER
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2185

DATE MAILED: 12/19/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/551,291

Applicant(s)

STEWART ET AL.

Examiner

Thong-Thai T Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5,6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

### DETAILED ACTION

1. Claims 1-48 are presented for examination.

#### *Specification*

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

#### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 10 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 10** recites the limitation "a portable" in line 3 and line 10. It makes the claim unclear to understand. "a portable" should change to "another portable" is suggested by examiner.

5. Due to the number of 35 USC § 112, second paragraph rejections, the examiner has provided a number of examples of the claim deficiencies in the above rejection(s). However, the

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list of rejections may not be all-inclusive. Applicant should refer to these rejection(s) as examples of deficiencies and should make all the necessary corrections to eliminate the 35 USC § 112, second paragraph problems and place the claims in a proper format.

Due to the vagueness and a lack of clear definiteness in the articles used in the claims, the claims have been treated on their merits as best understood by the examiner.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-48 are rejected under 35 U.S.C. 102(b) as being anticipated by Stewart [U.S. Pat. 5,835,061].

8. **Regarding to claims 1, 3, 8, 10 and 46:**

Stewart teaches a method for providing access to a network system, comprising:

a first access point receiving identification information from a portable computing device ["A.P. 10 and M.U. 5" of fig. 1; col. 3, lines 52-63], wherein the identification information indicates a network provider of a plurality of possible network providers [the network accesses the information providers based on signal received from a mobile unit ...] [col. 3, lines 18-22];

determining the network provider for the portable computing device after receiving the identification information [col. 5, lines 7-12];

the first access point receiving data from the portable computing device [col. 4, lines 5-7];

providing network access to the portable computing device through the network provider determined in said determining [col. 4, lines 56-58].

9. **Regarding to claim 2:**

Stewart teaches the providing network access comprising:

providing the data received from the portable computing device to a destination based on the determined network provider [col. 5, lines 30-33].

10. **Regarding to claim 4:**

Stewart teaches the system further comprising:

maintaining and storing a usage amount by the portable computing device [Service usage records for billing and other purposes can be maintained in an automated database ...] [col. 5, lines 18-19]; wherein the determined network provider charges for access by the portable computing device to the network [col. 5, lines 12-23].

11. **Regarding to claims 5-7:**

Stewart teaches the network system includes a memory medium which stores a data structure comprising a list of identification information and a corresponding list of the plurality of possible network providers [col. 6, lines 3-38];

wherein said determining the network provider for the portable computing device includes accessing the memory medium and using the received identification information to determine the network provider [col. 5, lines 7-15].

12. **Regarding to claim 9:**

Stewart teaches the identification information comprises a System ID of the portable computing device [col. 4, lines 1-4], wherein the System ID uniquely identifies the network

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provider of the plurality of possible network providers [steps 40 and 45 of figure 2 inherently tell system ID uniquely identifies the network provider of the plurality of possible network providers].

**13. Regarding to claim 11:**

Stewart teaches the plurality of access points are arranged at known locations in a geographic region, the method further comprising:

the first access point providing geographic location information indicating a known geographic location of the portable computing device [abstract, lines 3-8];

wherein said providing network access comprises selectively providing network access to the portable computing device based on the known geographic location of the portable computing device [abstract, lines 8-12].

**14. Regarding to claims 12 and 13:**

Stewart teaches the method of claim 1, further comprising:

determining an access level for the portable computing device after receiving the identification information [a plurality of APs and mobile units and could be configured to allow all user access to all service providers on a network or to allow selected users access to selected service providers ...] [col. 5, lines 7-15];

the first access point receiving data from the portable computing device [col. 4, lines 5-7]; and

providing the data received from the portable computing device to a destination based on the determined access level [col. 5, lines 7-33] [in addition, providing data from the portable computing device is an inherently step after receiving data from the portable computing device].

**15. Regarding to claims 14-19:**

Stewart teaches the first access point communicates with the portable computing device in a wireless fashion [col. 3, lines 52-53], or [col. 8, lines 31-35].

**16. Regarding to claim 20:**

Stewart teaches the first access point communicates with the portable computing device in a wired fashion [col. 1, lines 48-52]

**17. Regarding claims 21-43:**

Since they recite an apparatus of a method for providing access to a network system of the apparatus defined in the methods claims, they are rejected accordingly based on the rejection of the apparatus claims.

**18. Regarding to claims 44 and 45:**

Stewart teaches a method for providing roaming features on a wireless network system, wherein the wireless network system includes a plurality of access points coupled to a network, the method comprising:

a first access point receiving identification information from a portable computing device in a wireless manner [“A.P. 10 and M.U. 5” of fig. 1], wherein the identification information indicates a network provider of a plurality of possible network providers [col. 3, lines 18-22];

determining a network provider for the portable computing device after receiving the identification information [col. 5, lines 7-12];

the first access point receiving data from the portable computing device in a wireless manner [col. 4, lines 5-7], [col. 8, lines 31-35];

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providing the data received from the portable computing device to a destination based on the determined network provider [The mobile unit 5 can send information to the AP 10 ...] [col. 5, lines 30-33].

19. **Regarding to claims 47 and 48:**

Stewart teaches a method for providing selective access to network resources in a distributed wireless network system, wherein the wireless network system includes a plurality of access points coupled to a network, the method comprising:

a first access point receiving identification information from a portable computing device [col. 3, lines 52-63];

determining an access level for the portable computing device after receiving the identification information [a plurality of APs and mobile units and could be configured to allow all user access to all service providers on a network or to allow selected users access to selected service providers ...] [col. 5, lines 7-15];

the first access point receiving data from the portable computing device [col. 4, lines 5-7]; and

providing the data received from the portable computing device to a destination based on the determined access level [col. 5, lines 7-33] [in addition, providing data from the portable computing device is an inherently step after receiving data from the portable computing device].

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. It is noted that much of this prior art could have been used to reject the pending claims. [U.S. Pat. 6,205,478], Sugano teaches "System for exchanging user information among users"



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***Conclusion***

21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thong-Thai T Nguyen whose telephone number is (703) 305-4890, or via email, **thong-thai.nguyen@uspto.gov**. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas C Lee can be reached on (703) 305-9717.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

The fax numbers for the organization where this application or proceeding is assigned are as follow:

- 703-746-7238 [After Final Communication]
- 703-746-7239 [Official Communication]
- 703-746-7240 [Non-Official Communication]

and/or:

- 703-746-9183 (use this fax number, only after approval by examiner, for "INFORMAL" or DRAFT" communication).

Hand-delivered responses should be brought to:

Crystal Park II  
2121 Crystal Drive  
Arlington, VA 22202

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Fourth Floor (Receptionist)

Thong-Thai T. Nguyen

December 12, 2002

  
AYAZ SHEIKH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100